

REGULATION 1.11 Control of Open Burning

Air Pollution Control District of Jefferson County Jefferson County, Kentucky

Relates To: KRS Chapter 77 Air Pollution Control

Pursuant To: KRS Chapter 77 Air Pollution Control

Necessity And Function: KRS 77.180 authorizes the Air Pollution Control Board to adopt and enforce all orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77. This regulation provides for the control of open burning by any person.

SECTION 1 Definitions

Terms used in this regulation that are not defined in this regulation shall have the meaning given to them in Regulation 1.02 *Definitions*.

SECTION 2 Prohibition of Open Burning

2.1 No person shall cause, allow, or maintain any open fire except the following:

- 2.1.1 A fire substantially for the cooking of food for non-commercial purposes; however, a fire maintained at a size or duration in excess of that appropriate for the cooking of food, or a fire for which the cooking of food is an inconsequential activity, shall be considered a recreational fire subject to the requirements of section 2.1.2. The cooking of food for non-commercial purposes in a device that is actually kept covered for the substantial majority of the cooking time, such as a grill, smoker, cooker, or similar device, shall not be deemed an open fire subject to this regulation,
- 2.1.2 A fire determined by the District to be for recreational or ceremonial purpose and approved in writing by the District. A written request, on a form provided by the District, for approval of a recreational or ceremonial fire from the person in charge of the event shall be received by the District at least 5 working days before the requested date of the event,
- 2.1.3 A fire for general agricultural production for weed abatement, disease control, or pest prevention or for recognized silvicultural, range, native grassland, or wildlife management practices, provided that open burning is necessary and approved for that purpose by the District, after considering the written recommendation of the Jefferson County Soil and Water Conservation District and the local fire protection district,
- 2.1.4 A fire for controlling a public health hazard, provided that open burning has been declared to be necessary for this purpose by the Jefferson County Health Department and a written notice with this determination has been submitted by the Jefferson County Health Department to the District,
- 2.1.5 A fire set for the prevention of a fire or safety hazard, provided that open burning has been declared to be necessary to abate the hazard by the local fire protection district or the appropriate regulatory agency having jurisdiction where the hazard exists and a written notice with this determination has been submitted by the local fire protection district or the appropriate regulatory agency to the District,
- 2.1.6 A fire, or a series of fires, set for the purpose of bona fide instruction and training of public and industrial employees in the methods of fighting fires that is approved in writing by the District. A written request, on a form provided by the District, for approval of the fire training exercise from the official in charge, or a designee of the official in charge,

- 2.1.7 shall be received by the District at least 5 working days before the date of the first fire, A fire set for the purpose of debris removal necessitated by natural forces, including, but not limited to, a tornado, very severe windstorm, or flood, having caused community-wide damage, that, if the fire were prohibited, would place a severe burden on other disposal methods and that is declared, in writing, to be necessary by the Mayor of Louisville, the mayor of a fourth class city, or the Jefferson County Judge/Executive and approved in writing by the District. A written request, on a form provided by the District, for approval of a debris removal fire shall be considered by the District on a case-by-case basis. The visible emissions into the outside air from a fire for this purpose shall not be equal to or greater than 40% opacity, and
- 2.1.8 A fire from a flare stack for the combustion of waste gases, provided that a current permit is issued by the District pursuant to Regulation 2 *Permit Requirements* and the flare stack is equipped with a smokeless tip. The visible emissions from the flare stack into the outside air shall not exceed 20% opacity for more than 3 minutes in any 24-hour period.
- 2.2 A fire set for the purpose of sections 2.1.1 to 2.1.8 shall not violate KRS Chapters 149 *Forestry*, 150 *Fish and Wildlife Resources*, or 227 *Fire Prevention and Protection*, any other state law or regulation, any local ordinance, or any District regulation. Tires, used oil, heavy oil, or a similar accelerant shall not be used to start or maintain combustion.
- 2.3 The District may require the submittal of information, on a form provided by the District, regarding a fire allowed by section 2.1.
- 2.4 The District may impose limitations or prohibitions on a fire allowed by section 2.1, including, but not limited to, the following:
- 2.4.1 The composition and amount of material to be burned,
- 2.4.2 The time and day for the burning, including an episodic prohibition of burning based upon the forecasted meteorological or air quality conditions of a day for which burning is otherwise approved, and
- 2.4.3 Where practical, the location of the fire.

Adopted v1/4-19-72; effective 4-19-72; amended v2/10-17-72, v3/9-1-76, v4/2-19-86, v5/12-17-86, v6/1-20-88, v7/12-20-89, v8/2-22-90, v 9/1-15-03.